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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/823,943

03/30/2001

Louis B. Rosenberg

IMMP127

7594

7590

07/12/2004

Kilpatrick Stockton
1001 West Fourth Street
Winston-Salem, NC 27101-2400

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 07/12/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,943

Applicant(s)

ROSENBERG, LOUIS B. CC

Examiner

Urszula M Cegielnik

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-57 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 45-57 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinohara et al.

Shinohara et al. disclose a device comprising a housing (2,3); a manipulandum (4) disposed within the housing (2,3) and operable to cause a control signal to be sent to a remotely-controlled device (27); an actuator (26) coupled to the housing (2,3), the actuator (26) operable to output a force on at least one of the housing (2,3) and the manipulandum (4); and a controller (CT10) in communication with the actuator (26), the controller (CT10) operable to cause the actuator (26) to output the force; the actuator (26) comprises an inertial mass actuator (paragraph 0062, lines 10-11); the manipulandum (4) includes a lever (4) movable along an axis.

Claims 45, 51, and 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin et al.

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Levin et al. disclose a device comprising a housing (12); a manipulandum (34) disposed within the housing (12, see Figure 1) and operable to cause a control signal (col. 7, lines 3-10) to be sent to a remotely-controlled device (col. 4, lines 43-44); an actuator (70) coupled to the housing (12), the actuator (70) operable to output a force on at least one of the housing (12) and the manipulandum (34); and a controller (202) in communication with the actuator (70), the controller (202) operable to cause the actuator (70) to output the force (col. 7, lines 3-10 and col. 19, lines 56-60); the manipulandum (34) comprises a directional control (e.g. a slider knob which is grasped by the user and moved in a linear direction, col. 7, lines 4-6); a sensor (76); an accelerometer (col. 20, line 64); the remotely-controlled device comprises a remote-controlled toy (col. 4, lines 43-44); the control signals comprise a wireless control signal (col. 4, lines 46-48); the remotely-controlled device comprises a remotely-controlled car (col. 4, lines 43-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levin et al.

Levin et al. disclose the claimed invention except for a transmitter in communication with the sensor; the sensor being a contact sensor and a pressure sensor.

Collier discloses a remote controlled wireless device having a transmitter (200) (col. 4, lines 47-55) in communication with sensors (100) (col. 5, lines 38-41); the sensors include contact and pressure sensors (col. 16, lines 3-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed transmitter and sensors as taught by Collier, since Levin et al. state at col. 4, lines 45-48, that communication between components can be achieved through signals transferred through a wireless transmitter/receiver.

Furthermore, it would have been obvious to provide sensors in the form of contact and pressure sensors as taught by Collier, since such a modification would permit monitoring of different parameters of the remote-controlled toy vehicle.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. **The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3712

A handwritten signature in black ink, appearing to read 'D. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700